

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEFFERY R. FROEMEL,

Plaintiff,

v.

Case No. 22-C-827

KAREN SCHOENIKE,

Defendant.

DECISION AND ORDER

Plaintiff Jeffery Froemel is incarcerated at Waupun Correctional Institution and representing himself in this 42 U.S.C. §1983 action. On March 16, 2023, the Court granted Defendant's motion for summary judgment on exhaustion grounds and dismissed this action. Dkt. No. 31. On April 13, 2023, Froemel filed a document, which begins: "I wish to appeal my case" Dkt. No. 34. Construing the document broadly as the Court must, the clerk's office docketed the filing as a notice of appeal and transmitted the notice and the docket sheet to the court of appeals. Dkt. No. 36. On April 21, 2023, Froemel wrote a letter to the clerk of court, in which he stated, "I just want you to know I won't be pursuing the appeal on complaint Case No. 1:22-cv-00827 but thanks anyway." Dkt. No. 39. Three days later, on April 24, 2023, the court of appeals, "[u]pon consideration of the NOTICE OF INTENT TO NOT PURSUE APPEAL," dismissed the appeal and ordered Froemel to pay the appellate fees of \$505 to the clerk of the district court. Dkt. No. 40-1 (capitalization in original). Shortly thereafter, Froemel wrote a letter to the Court stating that he did not want to pursue the appeal, which is "why [he] didn't do anything that would give [the Court] the idea [he] wanted to get involved with this appeal." Dkt. No. 42.

Froemel insists he should not be charged with the appellate filing fees because “all [he] did was ask if it was grounds [to appeal]” *Id.* He insists that he “DID NOT WISH TO APPEAL.” *Id.* (emphasis in original).

Contrary to Froemel’s later characterizations, his April 13, 2023 filing unambiguously states that he “wish[es] to appeal his case.” Dkt. No. 34. The clerk’s office properly transmitted his notice and the docket sheet to the court of appeals. Froemel then notified the Court that he had changed his mind and no longer wanted to pursue an appeal, so the court of appeals dismissed the appeal under Fed. R. App. P. 42(b) and ordered the Court to collect the appellate fees. This Court did *not* assess the appellate fees; it merely manages the collection of the fees as ordered by the appellate court. If Froemel believes that the appellate fees were improperly assessed, he must raise his arguments with the court of appeals, not this Court.

Dated at Green Bay, Wisconsin this 10th day of May, 2023.

s/ William C. Griesbach

William C. Griesbach
United States District Judge